

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

The New York City District Council of
Carpenters Pension Fund, New York City
District Council of Carpenters Welfare
Fund, New York City District Council of
Carpenters Vacation Fund, New York City
District Council of Carpenters Annuity
Fund, New York City District Council of
Carpenters Apprenticeship, Journeyman
Retraining, Educational and Industry
Fund, New York City District Council of
Carpenters Charity Fund, and the New York
City and Vicinity Carpenters Labor
Management Cooperation Fund, by Michael
J. Forde, and Paul O'Brien, as Trustees,

Plaintiffs

Against

River Avenue Contracting Corp.,

Defendant

07 CIV 6450
(Judge Rakoff)

ANSWER AND AFFIRMATIVE DEFENSES

The defendant, River Avenue Contracting Corp. (herein "River Avenue") by its attorneys, The Ziskin Law Firm, LLP, as in for its answer to the Complaint dated July 16, 2007, alleges as follows:

1. Admits each and every allegation set forth in paragraphs numbered "1", "4", "5", "6", "7", "8", and "9" of the Complaint.
2. Denies knowledge and information sufficient to form a belief as to each and every allegation set forth in paragraphs numbered "2" and "3" of the complaint and further states that the allegations therein call for legal conclusions to be determined by the court.

3. Denies each and every allegation set forth in paragraphs numbered "10", "11", "12", "13", "14", and "15" of the complaint.

AS AND FOR A FIRST SEPARATE AND DISTINCT AFFIRMATIVE DEFENSE

4. Plaintiffs have failed to set forth a cause of action upon which relief may be granted.

AS AND FOR A SECOND SEPARATE AND DISTINCT AFFIRMATIVE DEFENSE

5. Plaintiffs are bound by the doctrine of accord and satisfaction with regard to their allegation respecting unpaid contributions as set forth in the complaint.

AS AND FOR A THIRD SEPARATE AND DISTINCT AFFIRMATIVE DEFENSE

6. Plaintiffs are bound by the doctrine of laches from claiming unpaid contributions to the various benefit funds, as alleged in the complaint.

AS AND FOR A FOURTH SEPARATE AND DISTINCT AFFIRMATIVE DEFENSE

7. Plaintiffs are bound by the doctrine of estoppel from asserting unpaid contributions for benefits as alleged in the complaint.

AS AND FOR A FIFTH SEPARATE AND DISTINCT AFFIRMATIVE DEFENSE

8. Plaintiffs have received full payment for all alleged contributions that are claimed to be due and owing as set forth in the complaint.

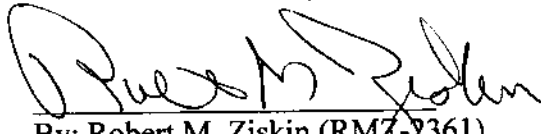
AS AND FOR A SIXTH SEPARATE AND DISTINCT AFFIRMATIVE DEFENSE

9. Plaintiffs have received all documents required to be produced at the direction of the arbitrator which are in the possession of the defendant, River Avenue Contracting Corp.

WHEREFORE, it is respectfully urged that the complaint be dismissed in its entirety, together with costs and attorneys' fees.

Dated: Commack, New York
August 1, 2007

The Ziskin Law Firm, LLP

A handwritten signature in black ink, appearing to read 'Robert M. Ziskin', is written over a horizontal line.

By: Robert M. Ziskin (RMZ-2361)

Attorneys for Defendant

River Avenue Contracting Corp.

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